

Amendment After Final Rejection
Serial No. 10/029,829

US010719

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and the remarks made herein.

Claims 1-21 are pending and stand rejected.

Claims 2 and 18 have been amended. No new matter has been added.

Claims 2, 3 and 18 are rejected under 35 USC 112, 2nd paragraph as being indefinite. The Office Action states that there is insufficient antecedent basis for the limitation "said threshold limit."

Applicant thanks the examiner for his observation and has amended the claims to provide proper antecedent basis for the claimed subject matter.

Having amended the claims, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claims 1-21 are rejected under 35 USC 103(a) as being unpatentable over Ishiyama (2001/0008544) in view of Reininger (USP no. 5,426,463). The Office Action states that Ishiyama discloses a picture encoding system that is substantially the same system and method for encoding a stream of data blocks using a scalable encoder as specified in claims 1-21. The Office Action further states that Ishiyama differs from the present invention in that it fails to particularly disclose using predetermined encoding configuration tables. Reininger however, teaches the concept of such well known encoding according to a predetermined encoding configuration. It would have been obvious having both Ishiyama and Reininger to exploit the common predetermined tables as taught by Reininger in the encoding method of Ishiyama.

Applicant respectfully disagrees with, and explicitly traverses, the reasons for rejecting the claims. Claim 1, for example, recites:

- 1.) A method for encoding a stream of data blocks using a scalable encoder, the method comprising the steps of:
receiving a stream of data blocks;
storing said received data blocks in a buffer;
encoding a first sequence of said stored data blocks from said buffer to produce a first encoded data block;

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monitoring the fullness level of said buffer for comparison with a predetermined threshold range; and,
adjusting the complexity of said encoder based on said comparison outcome according to a predetermined encoding configuration table, said configuration table using a plurality of complexities and encoding options.

Ishiyama, as read by the applicant, discloses a picture encoding conversion device for realizing the conversion taking into account both time delay and picture quality using the information on the code volume of the encoding parameters, input and output buffers and an input bitstream. In one aspect, Ishiyama discloses that the output buffer is monitored and the encoding rate is adjusted based on whether the output buffer may overflow or underflow (see paragraphs 93-99). In another aspect, Ishiyama discloses monitoring the output buffer and the input buffer and adjusting the encoding rate based on the size of the respective buffers and a ratio of the input transmission channel and the output channel (see paragraphs 101-106). Ishiyama, however, fails to disclose or suggest using information associated with only the input buffer to determine adjustment of the encoding rate as is recited in the claims.

Reininger discloses a rate control system for monitoring the amount of compressed output data and dependent upon the amount of compressed output data being lesser or greater than a predetermined value, operating a fixed mode or a mode wherein only selected blocks are adaptively quantized, respectively. Reininger, similar to Ishiyama, fails to disclose or suggest using information associated with only the input buffer to determine the means to adjust the encoder as is recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

As shown, Ishiyama and Reininger are totally silent with regard to using only information from the input buffer to adapt the encoder processing. Both Ishiyama and Reininger fail to appreciate the present invention utilizing information in the input buffer

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only to adapt the encoding processing. Accordingly, one would not look to Ishiyama and Reininger to develop the novel feature of the present invention as neither Ishiyama nor Reininger disclose adapting the encoder processing based on information in the input buffer only.

Even if there were some motivation to combine the teachings of Ishiyama and Reininger, as suggested by the Office Action, the combined invention would not disclose all the elements claimed. In one aspect, the combination of Ishiyama and Reininger would teach using information in only the output buffer. And, in another aspect, the combination of Ishiyama and Reininger would create a device that uses information regarding the respective sizes of the input and output buffers and a ratio of the input and output channels to determine adjustments to the encoding rate. Accordingly, the combination of Ishiyama and Reininger fails to disclose adjusting the encoding rate dependent upon information regarding only the input buffer as is recited in the claims.

Having shown that the combined device resulting from the teachings of the cited references fails to include all the elements of the present invention, applicant submits that the present invention is not rendered obvious by the cited references. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to independent claim 9, this claim recites an invention similar to that recited in claim 1 and has been rejected for the same reason cited in rejecting claim 1. Accordingly, the applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of claim 9. In view of remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claim 9, applicant submits that the reason for rejecting claim 9 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claims 2, 4, 6-8, 10, 12-16, these claims ultimately depend from claims 1 and 9, which have been shown to be allowable over the references cited. Accordingly, claims 2, 4, 6-8, 10, 12-16 are also allowable by virtue of their dependency upon an allowable base claim.

Although the Office Action fails to explicitly state the reason for the rejection of

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independent claim 17 and associated dependent claims, applicant believes that these claims were rejected for the same reason cited in rejecting claims 1-16. Accordingly, in view of remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claim 17, applicant submits that the reason for rejecting claim 17 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

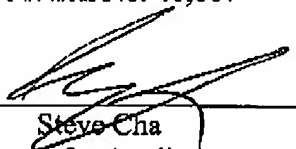
With regard to claims 18-21 these claims ultimately depend from claim 17, which has been shown to be allowable over the references cited. Accordingly, claim 18-21 are also allowable by virtue of their dependency upon an allowable base claim.

Although the last Office Action was made final, this amendment should be entered. Claims 2 and 18 have each been amended to correct an error in not providing proper antecedent basis for claimed subject matter. Since no matter has been added to the claims that would require comparison with the prior art or any further review only require a cursory review is required by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,
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